UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,505	10/12/2001	Takayuki Asai	040447-0238	9792

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EXAMINER
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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 February 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) ☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1 – 20 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

3.   Claims 1 – 4, 8 – 10, 12 – 14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Huang et al. U.S. Patent No. 6438576 (hereinafter Huang).

4.   Referencing claim 1, as closely interpreted by the Examiner, Huang teaches an object, the

object requested by a client from a server, the client accessing the server through a proxy server,

the method comprising:

5.   a step of monitoring a residual amount of memory capacity in the client, (e.g. col. 5, line

42 – col. 6, line 4, *"...the local proxy server has access to a table wherein are stored the*

characteristics(e.g., type of display, size of graphics memory, etc.) of the various client devices

that con be serviced by the local proxy.");

6.   a step of notifying a filtering condition from the client to said proxy server in accordance

with the monitoring result, (e.g. col. 5, line 42 – col. 6, line 4, *"In the latter case the proxy 110,*

111, 112 can access a table of device capabilities, based on an identifier of the requesting device

sent with the request, and can construct the RHI based on the stored information in the table.");

and

7.   a step of filtering the object by said proxy server in accordance with the filtering

condition thus notified, (e.g. col. 6, lines 52 – 65, *"Object renderer may be a computer program*

which renders, by example, a color image into a black-and-white image, or one that reduces a

complex HyperText Markup Language (HTML) text into a simple HTML text containing only

summary of the HTML headers.").

8.   Referencing claim 2, as closely interpreted by the Examiner, Huang teaches the filtering

condition is notified from the client to said proxy server at a predetermined period, (e.g. col. 3,

lines 50 – 67, *"at the request", "RHI")*.

9.   Referencing claim 3, as closely interpreted by the Examiner, Huang teaches the

predetermined period is freely set from a external source, (e.g. col. 3, lines 50 – 67, *"at the*

request", "RHI").

10.   Referencing claim 4, as closely interpreted by the Examiner, Huang teaches the filtering

condition is validated only for a predetermined term, (e.g. col. 3, lines 50 – 67, *"at the request"*,

"RHI" & col. 4, lines 40 – 52, *"...which is then free to modify the assignment plan according to*

local considerations, such as CPU loading at the nest node.").

11.   Referencing claim 8, as closely interpreted by the Examiner, Huang teaches the filtering

condition is represented by a data length of the object, (e.g. col. 10, lines 46 – 67, *"It can be*

appreciated that a proxy server 110, 111, 112 that receives an image object having the above-

noted PICS label r(c 16 s 1000), in response to a request from the PDD having the above-noted

RHI d(c 1 s 2), will be informed that the PDD is incapable of displaying the image object as

received, and that the image object will need to be rendered into a form that the PDD is capable

of displaying.").

12.   Referencing claim 9, as closely interpreted by the Examiner, Huang teaches said proxy

server prohibits a file having a data length exceeding the data length notified from the client as

the filtering condition from being transmitted to the client, (e.g. col. 10, lines 46 – 67, *"If,*

however, for some reasons the proxy server elects to not completely render the image object, or

to not render the image object at all, due to, for example, loading considerations or a lack of

suitable software, then the PICS label of the image object will not reflect a condition compatible

with the display capabilities of the PDD.").

13.   Referencing claim 10, as closely interpreted by the Examiner, Huang teaches the client is

a cellular phone terminal, (e.g. col. 6, lines 24 – 38, *"smart phone"*).

14.   Claims 12 – 14, 16 and 17 are rejected for similar reasons stated above.

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

16.   Claims 5 – 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Huang (6438576) in view of Gauvin et al. (6061686) (hereinafter Gauvin).

17.   Referencing claim 5, as closely interpreted by the Examiner, Huang does not specifically

teach the filtering condition is represented by a filename extension of the object.

18.   Gauvin teaches the filtering condition is represented by a filename extension of the

object, (e.g. col. 8, line 60 – col. 9, line 5). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to combine the Gauvin with Huang because filtering

out specific types of data would guaranty that the specific types would not be introduced into the

environment to overwhelm the network with more bandwidth demands. Furthermore, with would

also ensure that only information desired by the user would be transmitted to the user's system.

19.   Referencing claim 6, as closely interpreted by the Examiner, Huang does not specifically

teach said proxy server prohibits only a file having the filename extension notified from the

client as the filtering condition from being transmitted to the client.

20.   Gauvin teaches said proxy server prohibits only a file having the filename extension

notified from the client as the filtering condition from being transmitted to the client, (e.g. col. 8,

line 60 – col. 9, line 5). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to combine the Gauvin with Huang because of similar reasons stated

above.

21.   Referencing claim 7, as closely interpreted by the Examiner, Huang does not specifically

teach said proxy server allows only a file having no filename extension notified from the client

as the filtering condition to be transmitted to the client. Gauvin teaches said proxy server allows

only a file having no filename extension notified from the client as the filtering condition to be

transmitted to the client, (e.g. col. 8, line 60 – col. 9, line 5). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to combine the Gauvin with Huang

because of similar reasons stated above.

22.   Claim 15 is rejected for similar reasons as stated above.

23.   Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang

(6438576) in view of Eerola (6678518).

24.   Referencing claim 11, as closely interpreted by the Examiner, Huang teaches the use of a

wireless phone as described above but does not specifically teach said proxy server is a gateway

server for WAP (Wireless Application Protocol).

25.   Eerola teaches said proxy server is a gateway server for WAP (Wireless Application

Protocol), (e.g. col. 1, lines 44 – 53). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the Eerola with Huang because it would be

more efficient and compatible for a system to utilize a protocol that is common to integrate with

other users in other system than to have a non-compatible system that could not do the described

function without a type of adapter.

26.   Claim 18 is rejected for similar reasons as stated above.

27.   Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang

in view of Ferguson (6769019).

28.   Referencing claim 19, as closely interpreted by the Examiner, Huang teaches a client

device for accessing a server through a proxy server to request a desired object from the server,

the client device comprising:

29.   a controller for controlling an access to said proxy server to acquire the object, (e.g. col.

5, line 41 – col. 6, line 4); and

30.   a memory unit for storing the object, (e.g. col. 5, line 41 – col. 6, line 4);

31.   wherein when said controller detects that a residual amount of memory, said controller

notifies to said proxy server a filtering condition for filtering the object, (e.g. col. 5, line 41 – col.

6, line 4), but does not specifically teach memory of said memory unit is equal to a

predetermined residual amount or less. Ferguson teaches detecting that a residual amount of

memory of said memory unit is equal to a predetermined residual amount or less said controller

notifies to said proxy server a filtering condition for filtering the object, (e.g., col. 10, line 61 –

col. 11, line 50). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Ferguson with Huang because utilizing a threshold in a system

for memory enables a user to not have information that is too large to be save on their system

which can not fit it.

32.   As per claim 20, as closely interpreted by the Examiner, Huang teaches wherein the

filtering condition is represented by a data length of the object, (e.g., col. 10, lines 20 – 45).

Response to Arguments

33.   Applicant's arguments filed 02/14/2005 have been fully considered but they are not

persuasive.

34.   In the Remarks, Applicant argues in substance that Huang neither discloses nor suggests

an object filtering method including the where a client monitors a residual amount of memory

capacity and notifies a filtering condition to a proxy server in accordance with monitoring result.

Furthermore, Huang's receiver hit information (RHI) contains information about device

capabilities of a client device. The Applicant also states that the term "device capabilities" in

Huang refers to static information about a client device that does not change over time and not to

dynamic information such as a residual amount of memory capacity of the client device.

35.   As to part 1, Examiner would like to draw the Applicant's attention to their claim

language. In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., the residual

amount of memory to be dynamic nor that the monitored residual amount of memory capacity is

changed over time) are not recited in the rejected claim(s). Although the claims are interpreted

in light of the specification, limitations from the specification are not read into the claims. See *In*

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

36.   Furthermore, the Examiner would like to draw the Applicant's attention to the cited

sections of Huang states that the RHI can be included with an object request by the requesting

client device. This would leave one to believe that at each separate time the client requests

information, the request has with it the RHI of that specific time. It is also reminded that the RHI

of the system can include size of graphics memory of the device, all of which reads on the

Applicant's broad claim language. The Applicant does not state in their claim language a specific

type of memory, therefore leaving the claim to be interpreted broadly as any type of memory.

Furthermore, if the Applicant were to look at the Abstract and column 3, lines 16 – 37, one

would see that the prior art of Huang teaches dynamic load conditions.

Conclusion

37.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

38.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David E. England whose telephone number is 571-272-3912.

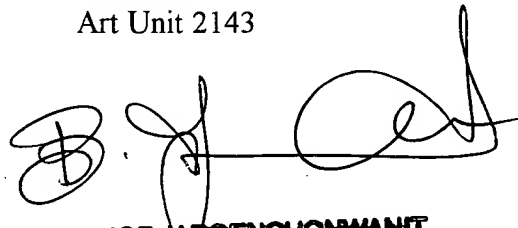The examiner can normally be reached on Mon-Thur, 7:00-5:00.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

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PRIMARY EXAMINER